

BEST AVAILABLE COPY

PATENT HANDLING
DIVISION

Attorney Docket No. 208.6164

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

NOV 30 11 17 07

In re: Gao et al.
Serial No.: 10/040,047
Filed: February 1, 2002
For: *Positive Electrode Active Materials for Secondary Batteries and Methods of
Preparing Same*

Group Art Unit: 1745
Examiner: Kalafut, Stephen J.

Date: November 24, 2004

Mail Stop 16
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**REQUEST FOR REFUND OF FEE
UNDER 37 C.F.R. §1.26**

Sir:

Applicants respectfully submit this Request for Refund of Fees pursuant to 37 C.F.R. §1.26 in the amount of \$352.00.

On June 16, 2004, Applicants file an Amendment Transmittal Cover Sheet, Amendment, and a check in the amount of \$258.00 to cover the additional three independent claims (5 were previously paid for). The cover sheet indicated the highest number of total claims previously paid for was 98 and the highest number of independent claims previously paid for was 5. Therefore a check in the amount of \$258.00 (copy enclosed) was submitted to cover the additional three independent claims.

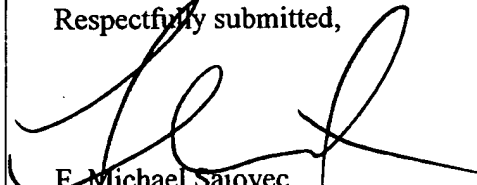
Deposit Account 50-0220 was charged on October 21, 2004 in the amount of \$352.00 for additional claims. Please see highlighted entry on enclosed Deposit Account Statement. Applicants submit that this charge was made in error as the Amendment filed on October 14, 2004 did not indicate any additional claims and therefore did not need an Amendment Transmittal Cover Sheet as there were no additional claims. The number of claims were the same as the previous filing on June 16, 2004. See the copy of the Transmittal Cover Sheet filed June 16, 2004. The Cover Sheet filed on June 16, 2004 indicated the total claims to be 98 total claims and 8 independent claims. A check in the amount of \$258.00 (copy enclosed) was enclosed with the Amendment filed on June 16, 2004 to cover the additional claims. Applicants submit that there are only 8 independent claims and (0) zero multiple dependent claims. Applicants submit that this charge was made in error as the filing fee for additional

In re: Gao et al.
Serial No.: 10/040,047
Filed: February 1, 2002
Page 2

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claims were previously paid. Accordingly, please credit our Deposit Account No. 50-0220 in the amount of \$352.00 to refund this overpayment of fees.

Respectfully submitted,



E. Michael Sajovec
Registration No. 31,793

Customer No. 20792
Myers Bigel Sibley & Sajovec, P.A.
P. O. Box 37428
Raleigh, North Carolina 27627
Telephone: (919) 854-1400
Facsimile: (919) 854-1401

Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop 16, Director of the US Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 on November 24, 2004.



Betty-Lou Rosser

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Attorney Docket No. 208.6164

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Gao et al.

Serial No.: 10/040,047

Group Art Unit: 1745

Filed: February 1, 2002

Examiner: Kalafut, Stephen J.

For: *Positive Electrode Active Materials for Secondary Batteries and Methods of Preparing Same*

Date: June 16, 2004

Mail Stop Amendment
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

COPY

Sir:

Transmitted herewith is an AMENDMENT in the above-identified patent application.

☐ Applicant claims small entity status. See 37 CFR §1.27.☐ No additional fee is required.☒ The fee has been calculated as shown below:

(COL. 1)		(COL. 2)	(COL. 3)	SMALL ENTITY		OTHER THAN A SMALL ENTITY	
	Claims Remaining After Amendment	Highest Number Previously Paid For	Present Extra	RATE	ADDIT. FEE	OR RATE	ADDIT. FEE
Total	80 -	98	= 0	x 09=	\$	x 18=	\$0
Indep	8 -	5	= 3	x 43=	\$	x 86=	\$258.00
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+145=	\$	+290=	\$
				Total Add. Fee \$		OR Total	\$258.00

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior Amendment or the number of claims originally filed.

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Attorney Docket No.:
Application No.:
Filed:
Page 2

- ☐ Please charge my Deposit Account No. 50-0220 in the amount of \$ ____ for ____.
- ☒ A check in the amount \$258.00 to cover fees is enclosed.
- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0220.
- ☒ Any additional filing fees required under 37 C.F.R. § 1.16 for the presentation of extra claims.
- ☒ Any patent application processing fees under 37 C.F.R. § 1.17.

Respectfully submitted,



Devin R. Jensen
Registration No. 44,805

COPY

Myers Bigel Sibley & Sajovec, P.A.
Post Office Box 37428
Raleigh, NC 27627
Telephone (919) 854-1400
Facsimile (919) 854-1401
Customer Number 20792

CERTIFICATE OF EXPRESS MAILING

"Express Mail" mailing label number: EV472540553US Date of Deposit: June 16, 2004

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Betty Lou Rosser


**United States
Patent and
Trademark Office**
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Deposit Account Statement

Requested Statement Month: October 2004
Deposit Account Number: 500220
Name: MYERS BIGEL SIBLEY & SAJOVEC, P.A.
Attention: ACCOUNTING DEPT
Address: P O BOX 37428
City: RALEIGH
State: NC
Zip: 27627

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
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Deposit Account Statement

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Deposit Account Statement

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Page 3 of 5

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8021	\$40.00	\$40,820.00

Deposit Account Statement

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Page 4 of 5

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8021	\$40.00	\$40,780.00
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1202	\$72.00	\$38,906.00
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START	SUM OF
BALANCE	CHARGES
\$54,890.00	\$23,405.00

SUM OF	END
REPLENISH	BALANCE
\$4,357.00	\$35,842.00



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MYERS BIGEL SIBLEY & SAJOVEC, P.A.

PATENT LAWYERS

Operating Account

SUITE 600, 4140 PARKLAKE AVENUE, RALEIGH, NC 27612
PO Box 37428, RALEIGH, NC 27627

BB&T

Branch Banking and Trust Company
200 EAST CHATHAM STREET
CARY, NC 27511

509073

66-112/531
DATE

CHECK NO.

AMOUNT

06/16/04

509073 *****\$258.00

*** TWO HUNDRED FIFTY-EIGHT & 00/100 DOLLARS

PAY
TO THE
ORDER
OF

Honorable Commissioner

VOID AFTER 90 DAYS

AUTHORIZED SIGNATURE

509073 0531011215196567684

0000025800

SETNAME:cdrom
Account:5196567684
CheckAmt:258
SerialNum:509073
PostDate:20040623
ItemSeqNu:21382506
ProcDate:06/23/2004
TrRoutNum:0
TracerNum:102
TransCode:0

4124
PKT003
06/23/04
2100382506

0310000114
MACHINIA NA SVC021 3641T
PHILA, PA 06222004 24PK
1015648300

PATENT AND TRADEMARK OFFICE
13-10-001
06-21-2004
FOR CREDIT TO THE
U.S. TREASURY

SETNAME:cdrom
Account:5196567684
CheckAmt:258
SerialNum:509073
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